



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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July 16, 2015

Ron and Jennifer Lytle
102 Bierer Lane
Morgantown, WV 26508

**RE: V15-27 / Lytle / 1164 Hampton Avenue
Tax Map 22, Parcels 14 and 15**

Dear Mr. Lytle:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development on Hampton Avenue. The decisions are as follows:

Board of Zoning Appeals, July 15, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted variance relief from the maximum front setback standard for Parcels 14 and 15 of Tax Map 22 as requested so that the two (2) single-family dwellings can be constructed not more than thirty-five (35) feet from the edge of the existing pavement of Hampton Avenue with the condition that side and rear setback standards must be observed for both single-family dwelling development sites.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact
V15-27 / Lytle / Hampton Avenue

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

Exceeding the maximum front setback standard for Parcels 14 and 15 of Tax Map 22 should serve to improve public safety by mitigating back-out movements from the sites onto Hampton Avenue, which is narrow, has poor site lines, and is heavily traveled as a cut-through route connecting the Mileground and Sabraton areas.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The subject development sites are located along a narrow and heavily traveled roadway used as a cut-through route connecting the Mileground and Sabraton areas, the conditions of which are existing.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The increase in front yard depth will permit turnarounds to be constructed between the houses and the front property boundaries at both development sites thereby mitigating back-out movements onto Hampton Avenue.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Exceeding the maximum front setback standard, with the condition that side and rear yard setback standards must be observed, will ensure that minimum building envelope requirements are maintained while permitting the construction of two (2) new single-family homes with public safety and access management in mind.